

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

LEARLY REED GOODWIN,	:	
	:	
Appellant,	:	
v.	:	Case No. 07-4059
	:	Cr No. – 04-cr-0235-2 RWT
	:	
UNITED STATES OF AMERICA,	:	
	:	
Appellee,	:	
_____	:	

**AMENDED MOTION TO WITH DRAW  
AS APPELLATE DEFENSE COUNSEL**

Comes now counsel of record for LEARLY REED GOODWIN and moves this Court for relief from further involvement and representation in this matter for the following reasons.

***Procedural Posture***

Counsel was first appointed as trial defense counsel in case number 04-0235 on June 2<sup>nd</sup>, 2004. Following Mr. Goodwin’s conviction, Counsel assumed the responsibilities of Appellate Defense Counsel.<sup>1</sup> By decision dated November 2<sup>nd</sup>, 2011 the Court denied Mr. Goodwin’s Appeal for Relief. The mandate was issued on November 28<sup>th</sup>, 2011.

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<sup>1</sup> It should be noted that Appellant moved to have counsel replaced before the filing of the brief.

### ***Reasons for Request Relief***

Counsel wrote letters to Mr. Goodwin dated November 7<sup>th</sup>, 14<sup>th</sup>, 2011 and December 7<sup>th</sup>, 2011 (Atch). He was sent a copy of the Form 26 along with advisement that in Counsel's opinion there was no basis for appeal to the United States Supreme Court. Those letters have been supplemented with another dated December 12<sup>th</sup>, 2011, telling him that Counsel believes that a **certiorari petition to the Supreme Court would be frivolous**. Nevertheless, Mr. Goodwin insists that he wants to go forward and wishes to do so *In Forma Pauperis*. Counsel is sympathetic to his situation, but does not believe there are any meritorious issues on which to base a filing. Counsel has sent Mr. Goodwin a template to use should he have to proceed *Pro Se*. Furthermore he has been advised that he has **seven (7) days in which to file a response to the Motion to Withdraw**.

### ***Conclusion***

Given the irreconcilable positions of client and counsel, it would be best if he were appointed a different lawyer at this point in the proceedings.

### ***Prayer***

WHEREFORE, the Counsel respectfully requests that the Court issue an order relieving him of further responsibility and representation in this case.

Respectfully submitted,  
ANTHONY D. MARTIN

By: /S/  
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*Counsel for Appellant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Motion to Withdraw was sent by regular mail and/or e-mail to the following:

Leary Reed Goodwin  
USP Allenwood, 17219-037  
Post Office Box 3000  
White Deer, PA 17887

Deborah Johnston, Esquire  
Office of the United States Attorney  
6500 Cherrywood Lane  
Greenbelt, MD 20770

Dated: Monday, December 12, 2011

/S/  
Anthony D. Martin